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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/632,832	08/04/2003	Kazuo Akagami	Q76570	9234

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EXAMINER

JOYCE, WILLIAM C

ART UNIT PAPER NUMBER

3682

DATE MAILED: 07/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/632,832	Applicant(s) AKAGAMI ET AL.	
	Examiner William C. Joyce	Art Unit 3682	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 5, 12 and 14 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 5, 12 and 14 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☒ Certified copies of the priority documents have been received in Application No. 09/680,687.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

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DETAILED ACTION

This Office Action is in response to the amendment filed April 6, 2005 for the above identified patent application.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claim 14 is rejected under 35 U.S.C. 102(b) as being anticipated by Japanese reference 2595260 ('260).

The Japanese reference '260 discloses a bearing apparatus comprising: an inner race (23), an outer race (21), rolling elements disposed between the inner race and the outer race, and a sealing device for sealing a space between the inner race and the outer race. The sealing device having: an outer race member (28), an inner race member (30) encircled by the outer race and attached to the inner race, and a sealing member (41) between the inner member and the outer member, the sealing member having a sealing body attached to the inner race member and a sealing face part disposed on the outer race member, wherein when the inner race member is rotated at a predetermined speed or lower, the sealing body contacts the sealing face parts and when the inner race member is rotated at a speed more than a predetermined speed, the sealing body reduces the contact pressure to the sealing face part or separates from

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the sealing face part such as to form a non-contact seal in conjunction with the sealing face part wherein the sealing body is positioned at a side of an interior space of the bearing with respect to the sealing face part.

With respect to the newly added limitation defining the sealing device as being dividable in an axial direction, the Japanese reference illustrates the sealing device as being assembled by multiple components, wherein the seal components are assembled in an axial direction. Since the seal components are assembled in the axial direction, the seal components are considered dividable in the axial direction.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 5 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Japanese reference 2595260 ('260) as applied to claim 14 above, and further in view of US Patent 5,362,159 ('159).

The Japanese reference '260 does not disclose the axially dividable bearing races or the circumferential groove in the outer race member. The US Patent '159 teaches a bearing arrangement having axially dividable races in combination with an axially extending groove (30) formed on an outer race member (3,6).

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It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the bearing arrangement of Japanese reference '260 with axially dividable races, as taught by US Patent '159, motivation being to facilitate in assembling a bearing having 4 rows of rollers for rigidly supporting a rotating shaft.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the bearing arrangement of Japanese reference '260 with an axially extending groove on an outer race member, as taught by US Patent '159, motivation being to provide a sealing arrangement for sealing the outer race to a bearing support.

Response to Arguments

5. Applicant's arguments with respect to claims 5 and 12 have been considered but are moot in view of the new ground(s) of rejection.

Applicant's arguments filed April 6, 2005 have been fully considered but they are not persuasive. The newly added limitation "the sealing device is dividable in an axial direction" fails to define over the prior art because the Japanese reference '260 illustrates the sealing device as being assembled by multiple components, wherein the seal components are assembled in an axial direction. Since the seal components are assembled in the axial direction, the seal components are considered dividable in the axial direction. Accordingly, claim 14 stands rejected as described above.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William C. Joyce whose telephone number is (571) 272-7107. The examiner can normally be reached on Monday - Thursday 7:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Bucci can be reached on (571) 272-7099. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

 7/5/05
William C. Joyce